

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

KLURRESSA MAYS,)	
)	
Plaintiff,)	
)	
v.)	CAUSE NO.
)	
EAGLECARE LLC, d/b/a)	
GLENBROOK REHABILITATION)	
AND SKILLED NURSING CENTER,)	
)	
Defendant.)	

COMPLAINT

Plaintiff, by counsel, alleges against the Defendant as follows:

1. The Plaintiff is Klurressa Mays who signed and filed an EEOC Charge of Discrimination, No. 470-2020-02230, a copy of which is attached hereto, made a part hereof, and incorporated herein as Exhibit “A”. The EEOC issued a Notice of Rights to Sue on October 22, 2020 (Exhibit “B”), and this Complaint has been filed within ninety (90) days after receipt thereof.
2. The Defendant is EagleCare, LLC, a company authorized to do business in the State of Indiana, and an “employer” for purposes of the Americans with Disabilities Act of 1990, as well as the Indiana Worker’s Compensation Act.
3. Plaintiff alleges that she was discriminated against, retaliated against, and discharged on account of her disability as set forth in Exhibit “A”.
4. Plaintiff also alleges that she suffered a retaliatory discharge in violation of the tort laws and public policies of the State of Indiana, and in furtherance of that claim,

Plaintiff states as follows:

- a. Plaintiff incorporates the allegations set forth in Exhibit “A”.
- b. Plaintiff injured her wrist on the job around March 2019 while trying to lift and move an excessively heavy/obese patient. This injury arose out of Plaintiff performing her job duties for Defendant, and she received Worker’s Compensation benefits made available to her under the Indiana Worker’s Compensation Act, including medical care and other benefits.
- c. Plaintiff received surgery for carpal tunnel syndrome and was given weight restrictions which caused Plaintiff to be off of work.
- d. Between February 20, 2019 and June 26, 2019, Plaintiff’s hands got worse. Plaintiff worked for Defendant on August 2, 2019, and she came to work on August 3, 2019 and clocked in, but after doing so, was told that she was not needed that day. Plaintiff then clocked out and went home.
- e. A couple of days later, Plaintiff called into work to get her schedule, but got no response. That is when she found out she was listed in the computer as being terminated, but Plaintiff was never notified she had been terminated.
- f. Apparently, Defendant terminated Plaintiff around August 3, 2019 for the pretextual and fake reason of “no call/no show”, but Plaintiff had clocked in on August 3, 2019 and was told that she was not needed.
- g. Plaintiff contends that in addition to the illegal reason of firing Plaintiff because of a disability/perceived disability, and for retaliating against her for trying to engage in the interactive process and receive reasonable

accommodations, Defendant also terminated Plaintiff in retaliation for getting hurt on the job and receiving Worker's Compensation benefits.

5. As a result of Defendant's illegal termination of the Plaintiff, Plaintiff lost her job and job-related benefits including income. Plaintiff also suffered emotional distress, mental anguish, humiliation, embarrassment, and other damages for which she seeks compensatory damages.

6. Defendant's intentional and reckless conduct warrants an imposition of punitive damages.

WHEREFORE, Plaintiff prays for judgment against the Defendant for compensatory damages, punitive damages, reasonable attorney's fees and costs, and for all other just and proper relief in the premises.

JURY DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury in this action.

Respectfully submitted,

CHRISTOPHER C. MYERS & ASSOCIATES

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